

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROSSAU ET AL. Examiner: UNKNOWN
Serial No.: 10/672,238 Group Art Unit: UNKNOWN
Filed: SEPTEMBER 25, 2003 Docket: 12546.2USC4
Due Date: DECEMBER 25, 2003
Title: HYBRIDIZATION PROBES DERIVED FROM THE SPACER REGION BETWEEN THE 16S
AND 23S RRNA GENES FOR THE DETECTION OF NON-VIRAL MICROORGANISMS

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 5, 2003.

By: Rebecca Ralls
Name: Rebecca Ralls

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: Rebecca A. Bortolotti
Name: Rebecca A. Bortolotti
Reg. No.: 51,488
RAB:rlr



S/ 10/672,238

PATENT

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By: Rebecca Ralls
Name: Rebecca Ralls

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 09/863,086 filed on May 22, 2001.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P. C
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 766-6045

Date: 12-5-03

By Rebecca Bortolotti
Rebecca A. Bortolotti
Reg. No. 51,488
RAB:rlr



FORM 1449*

INFORMATION DISCLOSURE STATEMENT

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

12546.2USC4

Application Number:

10/672,238

Applicant: ROSSAU ET AL.

Filing Date: 09/25/2003

Group Art Unit: Unknown

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,900,659	02/13/1990	Lo et al.			
	5,378,606	01/03/1995	Stern et al.			
	5,536,638	07/16/1996	Rossau et al.			
	5,928,864	07/27/1999	Kohne			
	5,945,282	08/1999	Rossau et al.			
	6,277,577	08/2001	Rossau et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	0307270	03/15/1989	EP				
	0337896	10/18/1989	EP				
	0395292	10/31/1990	EP				
	0452596	10/23/1991	EP				
	0525095	02/03/1993	EP				
	WO9600298	01/04/1996	PCT				
	WO9619585	06/27/1996	PCT				
	88/03857	06/1998	WO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

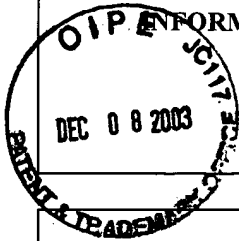
	PCT/EP 91/00743 International Application /International Search Report
	Emery et al., "An Irregular Satellite Sequence is Found at the Termini of the Linear Extrachromosomal rDNA in Dictyostelium discoideum", <u>Cell</u> , 26:411-419 (1981)
	W. E. Evans et al., "The Use of DNA Probes for Taxonomic Study of Dictyostelium Wild Isolates", <u>Chemical Abstracts</u> , 109:391-392, Abstract No. 89552w (1988); and
	W. E. Evans et al., "The Use of DNA Probes for Taxonomic Study of Dictyostelium Wild Isolates", <u>Genetics Soc. Am.</u> , 119:561-569 (1988)
	Gordon et al., (1982), <u>Theor. Appl. Genet.</u> 61:373-384.
	G. Hide et al., "The Identification of Trypanosoma brucei Subspecies Using Repetitive DNA Sequences", <u>Chemical Abstracts</u> , 112:217, Abstract No. 173511b (1990); and
	G. Hide et al., "The Identification of Trypanosoma brucei Subspecies Using Repetitive DNA Sequences", <u>Molecular and Biochemical Parasitology</u> , 39:213-226 (1990)
	King and Schlessinger (1983), <u>J. Biol. Chem.</u> 258:1203-42

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 12546.2USC4	Application Number: 10/672,238
	Applicant: ROSSAU ET AL.	
	Filing Date: 09/25/2003	Group Art Unit: Unknown


OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Lund and Dalhberg (1977) Cell 11:247-262
		Morgan, E. A., "Nucleotide Sequence of a 16s-23s rRNA Intergenic Region of Escherichia coli," Accession X12420 of publication <i>Nuc. Acids Res.</i> (1988).
		Ness et al., "Chromatin Structure along the Ribosomal DNA of Dictyostelium: Regional Differences and Changes Accompanying Cell Differentiation", <i>J. Mol. Biol.</i> , 166:361-381 (1983)
		Ripjens et al. (1996), <i>Appl. Environ. Microbiol.</i> 62:1683-88.
		Ripjens et al. (1996), <i>Mol. Cell. Probes</i> 9:423-432
		R. Rossau et al. , "Specific Neisseria gonorrhoeae DNA-Probes Derived from Ribosomal RNA", <i>Chemical Abstracts</i> , 111:204, Abstract No. 72106x (1989); and
		R. Rossau et al., "Specific Neisseria gonorrhoeae DNA-Probes Derived from Ribosomal RNA", <i>J. Gen. Microbiol.</i> , 135:1735-1745 (1989)
		R. Rossau et al. (1992), <i>Mol. Cell. Probes</i> 9:423-432
		R. K. Saiki, et al., "Genetic analysis of amplified DNA with immobilized sequence-specific oligonucleotide probes", <i>Proc. Natl. Acad. Sci.</i> , Vol. 86: 6230-6234 (August 1989)
		Tomioka, N., et al., "Nucleotide Sequence of the 16S-23S Spacer Region in the rRNA Operon from a Blue-Green Alga, <i>Anacystis nidulans</i> ," <i>Mol. gen Genet.</i> 193:427-429 (1984).
		Torres et al., "Species and Genus Specificity of the Intergenic Spacer (IGS) in the Ribosomal RNA Genes of Cucurbitaceae", <i>Chemical Abstracts</i> , 112:224-225, Abstract No. 93063s (1990)
		Vaneechoutte et al. (1992) <i>FEMS Microbiol. Lett.</i> 93:227-234
		M. Verma et al., "Phylogenetic Implication of Heterogeneity of the Nontranscribed Spacer of Ribosomal DNA Repeating Unit in Various Neurospora and Related Fungal Species", <i>Biological Abstracts</i> , 83(11)AB-118, Abstract No. 104704 (1987); and
		M. Verma et al., "Phylogenetic Implication of Heterogeneity of the Nontranscribed Spacer of Ribosomal DNA Repeating Unit in Various Neurospora and Related Fungal Species", <i>Curr. Genet.</i> , 11:309-314 (1987)
		Wawrousek and Hansen (1983), <i>J. Biol. Chem.</i> , 258:291-298
	08/1989	Saiki et al. <i>Proceedings of the National Academy of Sciences.</i> 86: 6230-6234.
	12/1989	Ulrich et al. <i>EMBO J.</i> 3:361-364.
	12/1989	White et al. <i>PCR Protocols: A Guide to Methods and Applications.</i> Academic Press, New York, NY, pages 315-322.

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	